

## PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

### EUROPEAN COMMISSION

#### **Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of high tenacity yarn of polyester, originating in the People's Republic of China**

(2016/C 384/07)

The European Commission ('the Commission') has received a request for a partial interim review pursuant to Article 11(3) of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union <sup>(1)</sup> ('the basic Regulation').

#### **1. Request for review**

The request for review was lodged by Taylor Wessing on behalf of American & Efird (A&E Europe) ('the applicant'), an importer of specific types of high tenacity yarn of polyester originating in the People's Republic of China ('the country concerned').

The review is limited to the examination of the product scope as regards the clarification of whether certain product types, i.e. greige sewing thread yarns, fall within the scope of the anti-dumping measures applicable to imports of high tenacity yarn of polyester originating in the country concerned.

#### **2. Product under review**

The product subject to this review is high tenacity yarn of polyesters (other than sewing thread), not put up for retail sale, including monofilament of less than 67 decitex ('the product under review'), currently falling within CN code 5402 20 00.

#### **3. Existing measures**

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EU) No 1105/2010 <sup>(2)</sup>.

On 28 November 2015, the Commission published a Notice of initiation of an expiry review of the anti-dumping duty applicable to imports of high tenacity yarn of polyester, originating in the People's Republic of China <sup>(3)</sup>. Pending the completion of the expiry review investigation, the measures continue to be in force.

#### **4. Grounds for the review**

The applicant requests the exclusion of greige sewing thread yarns from the scope of the existing anti-dumping measures and requests amending the exclusion criteria accordingly: 'high tenacity yarn of polyesters (other than "Z"-twisted thread ready for dyeing and for receiving a finishing treatment, put on supports of a weight (including support) not exceeding 2 000 g), not put up for retail sale, including monofilament of less than 67 decitex, currently falling within CN Code ex 5402 20 00 and originating in the People's Republic of China'.

The request pursuant to Article 11(3) of the basic Regulation is based on prima facie evidence provided by the applicant demonstrating that the basic physical and technical characteristics of the products to be excluded significantly differ from those of the product under review.

#### **5. Procedure**

Having determined, after informing the Member States, that sufficient evidence exists to justify the initiation of a partial interim review, the Commission initiates a review in accordance with Article 11(3) of the basic Regulation, limited to the examination of the product scope.

<sup>(1)</sup> OJ L 176, 30.6.2016, p. 21.

<sup>(2)</sup> Council Implementing Regulation (EU) No 1105/2010 of 29 November 2010 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of high tenacity yarn of polyesters originating in the People's Republic of China and terminating the proceeding concerning imports of high tenacity yarn of polyesters originating in the Republic of Korea and Taiwan (OJ L 315, 1.12.2010, p. 1).

<sup>(3)</sup> Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of high tenacity yarn of polyesters originating in the People's Republic of China (2015/C-397/05) (OJ C 397, 28.11.2015, p. 10).

Any Regulation which may result from this review, might possibly have a retroactive effect as of the date of imposition of the existing measures, or alternatively from a later date, for instance the date of publication of this Notice in the *Official Journal of the European Union*. All interested parties, and in particular importers, are invited to make their views known on this issue, and submit any evidence supporting those views.

#### 5.1. *Written submissions*

All interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this Notice in the *Official Journal of the European Union*.

In order to obtain information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant as an importer. In addition, the Commission may send questionnaires to interested parties that have come forward. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this Notice in the *Official Journal of the European Union*.

#### 5.2. *Possibility to be heard by the Commission investigation services*

All interested parties may request to be heard by the Commission investigation services. Any request to be heard must be made in writing and must specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within the specific deadlines set by the Commission in its communication with the parties.

#### 5.3. *Instructions for making written submissions and sending completed questionnaires and correspondence*

Information submitted to the Commission for the purpose of trade defence investigations should be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing a) the Commission to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

All written submissions, including the information requested in this Notice, completed questionnaires and correspondence provided by interested parties on a confidential basis should be labelled 'Limited' <sup>(1)</sup>. Any request for confidential treatment must be duly justified.

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing information on a confidential basis does not furnish a non-confidential summary of it in the requested format and quality, such information may be disregarded.

Interested parties are invited to make all submissions and requests by email including scanned powers of attorney and certification sheets, with the exception of voluminous replies which shall be submitted on a CD-ROM or DVD by hand or by registered mail. By using email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: [http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc\\_148003.pdf](http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf). The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions by email, interested parties should consult the communication instructions with interested parties referred to above.

<sup>(1)</sup> A 'Limited' document is a document which is treated confidentially in accordance with Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected in accordance with Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

Commission address for correspondence:

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Directorate-General for Trade  
Directorate H  
Office: CHAR 04/039  
1049 Bruxelles/Brussel  
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## 6. Non-cooperation

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

## 7. Hearing Officer

Interested parties may request the intervention of the Hearing Officer in trade proceedings. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.

A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within specific deadlines set by the Commission in its communication with the parties.

The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered on issues pertaining, among other things, to the product scope of the existing measures.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website: <http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/>.

## 8. Schedule of the investigation

The investigation will be concluded, pursuant to Article 11(5) of the basic Regulation within 15 months of the date of the publication of this Notice in the *Official Journal of the European Union*.

## 9. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(1)</sup>.

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<sup>(1)</sup> OJ L 8, 12.1.2001, p. 1.